

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jasmine M. Crosby,

Plaintiff,

v.

Greenville County, Deputy

M. Padula; Deputy Lanford;

Deputy Epps; Deputy McGonnigal;

and Deputy Godfrey

Defendants.

C/A No. 6:11-1154-TMC

OPINION & ORDER

This matter is before the court for on Defendants' Motions for Summary Judgment and Judgment on the Pleadings. (Dkt. # 12 and 13). Plaintiff Jasmine M. Crosby has filed a response to the motions. (Dkt. # 14). The matter is now ripe for a ruling. For the reasons discussed below, the motions are granted and Greenville County is dismissed as a defendant. Additionally, the court construes Plaintiff's request in her response to substitute the Sheriff of Greenville County as a motion to amend her complaint and grants the motion.

In her Complaint, Plaintiff alleges, inter alia, that Defendants Deputies Padula, Lanford, Epps, McGonnigal, and Godfrey claims that her constitutional rights were violated pursuant to 42 U.S.C. §1983 and several state laws causes of action pursuant to the South Carolina Tort Claims Act. She also alleges Greenville County is liable for the Deputies' actions. In their motions, Defendants contend that Greenville County should be dismissed because Greenville County Sheriff's Office employees are not employees of Greenville County. Plaintiff concedes that Greenville County is not a proper defendant in

this action. Plaintiff seeks to substitute the Sheriff of Greenville County as a defendant. The court construes Plaintiff's request as a motion to amend her complaint. "[L]eave [to amend] shall be freely given when justice so requires." Fed.R.Civ.P. 15(a). "A motion to amend should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." *HCMF Corp. v. Allen*, 238 F.3d 273, 276 (4th Cir. 2001) (internal quotation marks omitted). The court grants Plaintiff leave to file an amended complaint naming the Sheriff of Greenville County as a defendant.

Conclusion

For the foregoing reasons, Defendants' Motion to Stay (Dkt. # 12 and 13) are **GRANTED** and Greenville County is **DISMISSED** as a defendant. Furthermore, Plaintiff has ten days to file an amended complaint adding the Sheriff of Greenville County as a defendant.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Greenville, South Carolina
February 22, 2012